

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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CAP. LV.

An Act to regulate and secure the Debt due by the City of *Edinburgh* to the Public; to confirm an Agreement between the said City and its Creditors; and to effect a Settlement of the Affairs of the said City and the Town of *Leith*.

[27th *July* 1838.]

WHEREAS the Affairs of the City of *Edinburgh* have for some Years past been in a State of great Embarrassment, and various Difficulties have thence arisen in relation to a Settlement with the Creditors of the said City; to the beneficial Management of the Harbour and Docks of *Leith*, the requisite Improvement thereof, and the Regulation of the Rates and Duties leviable thereat; to the Commutation and securing to the Ministers of the City of *Edinburgh* of the Duty of a Merk *per* Ton and Pack payable to them upon Goods brought into *Leith* and *Edinburgh*; to making Provision for the Expence of the College and Schools of the said City, and to the Separation of the City of *Edinburgh* from the Town of *Leith*; and it is most desirable that a Remedy should be provided against the great Injury and Inconvenience arising from these Causes: And whereas an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to enable the principal Officers and Commissioners of His Majesty's* 6 G.4. c.103.

Navy to acquire certain Portions of the Docks and Shore Ground at Leith *for a Naval Yard, and to enable the Commissioners of the Treasury to advance a certain Sum of Money on the Security of the Docks and of the Harbour of* Leith: And whereas a Debt of Two hundred and sixty-five thousand Pounds was under the Powers of the said recited Act contracted by the said City of *Edinburgh* to the Commissioners of Her Majesty's Treasury, for Advances made towards the Improvement of the said Harbour and Docks, which was, under the Provisions of an Act passed in the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to appoint Trustees for the Creditors of the City of* Edinburgh, as far as then due and owing, preferably secured to the said Commissioners of Her Majesty's Treasury upon the said Harbour, Docks, and other Property at *Leith*, and in case of the Insufficiency thereof then equally with the other Creditors upon all other the Estates and Property of the said City liable to the Diligence of Creditors; and a Bond for further effecting such Security was thereafter granted by the said Lord Provost, Magistrates, and Council of the said City of *Edinburgh* to the Commissioners of Her Majesty's Treasury; and the said Debt, after Deduction of the Payments which have been made to account thereof, now amounts to Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eight-pence: And whereas the Consideration of the State of the Harbours of *Leith* and *Newhaven* was referred to a Select Committee of the House of Commons, by whom a Report was made thereon in the Year One thousand eight hundred and thirty-five; and a special Investigation was also instituted by the Government into the Affairs of the City of *Edinburgh* and Port of *Leith* in the same Year, and the Report made under such Investigation in *January* One thousand eight hundred and thirty-six, and also the said Report of the Committee of the House of Commons, were referred to another Select Committee of the House of Commons, by whom a Report was made thereon in the Year One thousand eight hundred and thirty-six: And whereas the said first Committee in their Report recommend to Parliament "to abandon or suspend, either wholly or in part, the Debt now due to Government from the Corporation of *Edinburgh*, provided that adequate public Objects can be accomplished by this Remission;" and by the Report made under the Investigation by Government, it was suggested "that Government should reduce the Demand of their present Debt One Half, and postpone the Remainder, without Interest being allowed to accumulate thereon;" and the said last Select Committee reported that they were "prepared to acquiesce in the proposed Surrender of One Half of the public Debt, and in the present Postponement of Interest on the Remainder, in the confident Expectation of accomplishing the other important public Objects therein referred to;" and all the said Reports concur in recommending an entire Separation between the City of *Edinburgh* and the Town of *Leith:* And whereas an Agreement has been entered into between the City of *Edinburgh* and its Creditors and the Town of *Leith*, with a view to a Settlement of the various Subjects herein-before enumerated; and a Select Committee was upon the Fifteenth Day of *May* last appointed to consider the Terms of such Agreement, and the said Committee

3 & 4 W. 4. c. 122.

have reported as follows: "That it is expedient that the Terms of the Agreement on the Affairs of *Leith* and *Edinburgh* should be carried into effect by an Act of Parliament, and that the Interest payable upon the Government Debt upon the *Leith* Property ought to be postponed for that Purpose, but that no Part of the Government Debt should be abandoned:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the preferable Right and Security granted to and held by the Commissioners of Her Majesty's Treasury over the said Harbour and Docks of *Leith*, and Property therewith connected, as aforesaid, shall be and the same is hereby postponed, in the first place, to the annual Payments of Seven thousand six hundred and eighty Pounds to be made by the Commissioners to be nominated and elected as herein-after directed, in the Proportions and for the Purposes herein-after specified; and, in the second place, to such annual Sums as shall be approved of and allowed by the said Commissioners of Her Majesty's Treasury as the Establishment for the said Harbour and Docks, to be ascertained and fixed in manner herein-after directed.

Postponement of the Government Security.

II. And whereas it may be necessary, as well for the Preservation and Prosperity of the Trade of the said Port of *Leith* as for rendering and preserving the Security so granted to Government available and sufficient, that Improvements and Repairs should be effected upon the said Harbour and Docks of *Leith* and other Works therewith connected; be it enacted, That it shall be lawful to the Commissioners of Her Majesty's Treasury to postpone farther the Security held by them as aforesaid to any Loan to be effected by the said Commissioners to be appointed under this Act for the Execution of such Improvements of any Sum or Sums of Money not exceeding in all the Sum of One hundred and twenty-five thousand Pounds: Provided always, that no such Sum or Sums shall be borrowed, nor shall any Security whatever be granted by the said Commissioners under this Act upon the said Harbour and Docks and other Works and Property, unless and until the Plans of such intended Improvements or Repairs, and the whole Particulars thereof, and the Estimate or Estimates of the Expence at which the same can be contracted to be executed, shall have been submitted to the said Commissioners of Her Majesty's Treasury, and their Approbation thereof signified thereto in Writing; and it shall also be lawful to the said Commissioners of Her Majesty's Treasury to forego for such Time as they shall think fit the Exaction in whole or in part of the Interest to become due upon the Amount of the Debt which shall remain owing, after Deduction of the Charges or Burthens hereby rendered preferable or authorized to be rendered preferable to the said Debts due to Her Majesty: And provided also, that the Proceedings relating to every such Loan, and the Postponement of the Government Security thereto, shall be laid before the House of Commons, if Parliament be then sitting, within Fourteen Days after such Transaction, and if Parliament be not sitting, within Fourteen Days after the Commencement of the then next Session.

Lords of the Treasury may postpone Security to Loans for Expence of Improvements

III. And

New Commissioners to be appointed in place of Commissioners appointed under 7 G. 4. c. 105.

III. And be it enacted, That so much of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to alter and amend several Acts made in the Twenty-eighth, Thirty-eighth, Thirty-ninth, Forty-fifth, Forty-seventh, and Fifty-third Years of the Reign of His late Majesty, for enlarging and improving the Harbour of* Leith, *and to appoint Commissioners for the Superintendence and Management of the said Harbour and Docks, and for other Purposes connected therewith,* as relates to the Nomination and Election of Commissioners, shall, from and immediately after the Appointment of Commissioners under this Act shall have been made in manner herein-after directed, be and the same is hereby repealed; and the Powers and Authorities of the Commissioners acting in execution of the said Act shall, after such Appointment and Election of Commissioners under this Act, cease and determine; and the Number of Commissioners for the Superintendence and Management of the said Harbour and Docks shall hereafter be Eleven, of whom Five shall be appointed by the said Commissioners of Her Majesty's Treasury, and Three shall be elected by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and Three by the Provost, Magistrates, and Council of the Town of *Leith*: Provided always, that no Person being a Councillor of the said City of *Edinburgh* or of the Town of *Leith* shall be capable of being elected a Commissioner under the Authority of this Act; and the Five Commissioners to be appointed by the said Commissioners of Her Majesty's Treasury shall continue to hold Office during the Pleasure of the said last-mentioned Commissioners.

Commissioners how to be appointed.

IV. And be it enacted, That within One Month after the passing of this Act the Bodies hereby authorized to appoint or elect Commissioners shall respectively proceed to make such Appointment and Election; and the Commissioners to be then elected by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and the said Provost, Magistrates, and Council of the Town of *Leith*, shall continue in Office until the Third *Tuesday* in the Month of *November* One thousand eight hundred and thirty-nine, when they shall, unless re-elected, go out of Office, and other Commissioners shall then be elected to supply the Place of the Commissioners going out of Office by the said Bodies hereby authorized respectively to elect Commissioners, and so on annually thereafter upon the Third *Tuesday* in the Month of *November* in each Year; and the Clerk to the said Commissioners shall annually give Notice of such Election to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and to the Provost, Magistrates, and Council of the Town of *Leith*, One Month previous to the said Third *Tuesday* in *November*; and in case there shall be any Failure or Neglect to elect Commissioners by the said City or Town, or in case any Person elected shall decline to accept, it shall be lawful for the Commissioners duly appointed and elected, at their first Monthly Meeting after the said Third *Tuesday* in *November*, to elect, by a Majority of their Number present, Commissioners to supply the Vacancies occasioned by such Non-election or Non-acceptance.

V. And

In Cases of Death, Resignation, or Disqualification.

V. And be it enacted, That in case of the Death, Resignation, or Disqualification of any of the Commissioners to be so elected, it shall be lawful to the Body by whom such Commissioner occasioning a Vacancy was elected to elect another Commissioner to supply such Vacancy; and failing their so doing within One Month after such Vacancy shall have been intimated to them, which the Clerk to the Commissioners is hereby required to do immediately upon the Occurrence thereof, it shall be lawful to the said Commissioners, at their first Meeting after the Expiration of such Month, to elect a Commissioner to supply such Vacancy; and the Commissioners duly appointed or elected shall, notwithstanding such Neglect or Failure, Death, Resignation, or Disqualification, be entitled in the meantime to put this Act in execution as if the Appointment or Election and Number of Commissioners had been and was complete.

Meetings of Commissioners.

VI. And be it enacted, That the said Commissioners shall hold their First General Meeting at *Leith* upon the Second *Tuesday* after the Expiration of One Calendar Month after the passing of this Act, and shall thereafter hold a General Meeting at *Leith* Once in every Month at such Place and on such Day as the said Commissioners shall from Time to Time fix; and it shall be lawful for any Two or more of the said Commissioners to require their Clerk to call Special Meetings of the said Commissioners, to be held in *Leith* within Twenty-four Hours after printed or written Notices of such Meeting shall have been delivered to each Commissioner, or left at his usual Place of Residence or Place of Business; and such General or Special Meetings may be adjourned to any other Day or Hour that may be necessary or expedient; and at all such Meetings the Commissioners shall defray their own Expences.

Commissioners at Meetings to choose a Preses.

VII. And be it enacted, That the Commissioners to be so nominated and elected, and of whom Five shall be a Quorum, shall at their several Meetings, by a Majority of Voices, choose a Preses; and such Preses shall, in case of Equality, besides his deliberative Vote, have a casting Vote.

No Person enjoying any Office or Place of Profit to act as a Commissioner.

VIII. And be it enacted, That none of the said Commissioners shall be capable of being appointed to any Office or Place of Profit under this Act, or contracting for any Work to be executed under the Authority thereof; and no Person shall be capable of being appointed or elected or of acting as a Commissioner under this Act during the Time he shall enjoy any Office or Place of Profit connected with the said Harbour or Docks or Works, or Property aforesaid, or while he has any Share or Interest in any Contract relating to the Execution of any of the said Acts or of this Act.

Commissioners may sue and be sued in Name of Clerk, &c.

IX. And be it enacted, That the said Commissioners may sue or be sued for any thing done or ordered by them in virtue of the Acts herein-before mentioned, or any of them, or of this Act, in the Name of their Clerk for the Time being, and, in case it shall be necessary, to sue the said Clerk in the Name of any Two of the said Commissioners to be appointed by the said Commissioners for that

Purpose; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in Name of their Clerk or of such Two Commissioners shall cease or abate by the Death or Removal of any such Clerk or of such Two Commissioners or either of them; but the Clerk to the said Commissioners for the Time being, or the remaining of such Two Commissioners, or Two other Commissioners to be appointed as aforesaid, shall be deemed to be the Pursuer or Defender, or Pursuers or Defenders, as the Case may be, in every such Action.

Property of Harbour and Docks and Powers of Management vested in and conferred on Commissioners.

X. And be it enacted, That the Port or Harbour of *Leith*, as bounded and described in the Charters, Title Deeds, or Conveyances of or to the same, within the Limits between a Point at *Seafield* Toll Bar on the Eastward of *Leith* and *Wardie-brow* or *Brae* to the Westward of *Newhaven*, and comprehending therein the Port or Harbour of *Newhaven*, all as belonging to the said Lord Provost, Magistrates, and Council of *Edinburgh*, the Privileges, Port Money commonly called Haven and Shore Silver, Anchorage, Dock Silver, Golden Penny Imposts, Customs, Taxes, Exactions, Rents, Mails, Farms, Duties, and Casualties of the same, together with the Shore, Sands, and Beach belonging to the said Ports of *Leith* and *Newhaven*, including the Site of the *Dalkeith* and *Leith* Railway, so far as the same is upon any Part of the said Sands, as also a Piece of Ground, being the Western Half of the open Ground to form a Passage from *Bath Street* to the Sands of *Leith*, and all other the Pertinents, Rights, Privileges, and Profits, present, future, or contingent, in anywise pertaining or belonging to or connected with the said Ports or either of them, as granted to or acquired or held or enjoyed by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, with all Right, Title, and Interest, Claim of Right, Property, or Possession, which they or their Predecessors or Authors had, have, or could have or pretend in and to the same or any Part or Portion thereof, in any manner of way, and, without Prejudice to the foregoing Description, the said Harbour of *Leith*, Docks, and other Works, and all Quays, Houses, Lands, or other Property purchased for the Purposes of the said Harbour, Basins, Docks, and other Works, together also with the Shore Dues, and Harbour and Dock Rates and Duties, and Pontage, and all the Revenue of every Description in anywise arising from the said Harbour, Docks, and other Works, and Quays, Houses, Lands, and Property set forth in the said recited Act of the Third and Fourth Year of the Reign of His late Majesty as forming the Security thereby granted to Government, and in the Bond granted by the said Lord Provost, Magistrates, and Council of the said City of *Edinburgh* to the Commissioners of Her Majesty's Treasury in Implement of the Provisions of the said Act, shall be and the same are hereby vested in the Commissioners to be appointed and elected under this Act as Commissioners for the Purposes of the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth, and this Act; and the said Commissioners so to be appointed and elected shall (under the Limitations herein contained), in addition to the Powers hereby conferred upon them, have, possess, and enjoy all the Powers and Authorities for the Main-

tenance and Improvement of the said Harbour and Docks conferred by the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth upon the Commissioners appointed in virtue thereof, and also (under the like Limitations) all the Powers and Authorities which the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* formerly possessed in relation to the same, and the Appointment of Officers thereat, and the Collection and Management of the Rates, Duties, and Revenues thereof; and the said Commissioners under this Act shall be liable in and for all the just Debts, Contracts, Obligations, and Undertakings of the said Commissioners under the said Acts or any of them, and also of the said Lord Provost, Magistrates, and Council in relation to the said Harbour and other Works, and Quays, Houses, Lands, and Properties belonging to the same, excepting always the Debt due to the Government, save as modified and secured to the said Commissioners of the Treasury by this Act.

Rates arising after the passing this Act to be vested in the Commissioners.

XI. And be it enacted, That all the Rates, Duties, Pontage, Feu Duties, Casualties, Interest, or other Monies to become due for, from, or in respect of the said Harbour, Docks, and other Property between the Date of the passing of this Act and the Appointment of Commissioners under the same shall be paid over and accounted for by the Receivers or Collectors thereof to the Commissioners to be appointed and elected under this Act.

Power to borrow.

XII. And be it enacted, That it shall be lawful to the Commissioners to be hereby appointed and elected to borrow upon the Security of the said Harbour and Docks, and Revenue thereof, and Property therewith connected, (but with the Consent and Approbation always of the Commissioners of the Treasury as herein-before required,) any Sum or Sums of Money necessary to be expended, with the Approbation of the said Commissioners of the Treasury as aforesaid, on the Improvement, Alteration, or Enlargement of the said Harbour or Docks, or for the Accommodation of the Shipping resorting to the same, not exceeding in all the Sum of One hundred and twenty-five thousand Pounds, and to grant Securities therefor over the whole Rates, Duties, and Revenues of the said Harbour and Docks and other Property therewith connected, which, being sanctioned by the Commissioners of the Treasury as aforesaid, shall be preferable and have Priority over all other Debts and Securities affecting the said Harbour and Docks, Revenue and Property, excepting the said several Sums amounting to Seven thousand six hundred and eighty Pounds herein directed to be paid out of the said Rates, Duties, and Revenues for the Purposes herein mentioned, and the said annual Sums for Repairs and Expences of Management to be sanctioned and allowed by the said Commissioners of Her Majesty's Treasury in the Manner herein-after directed; and it shall be lawful also to the said Commissioners to abolish, reduce, equalize, and consolidate the Rates and Duties leviable at the said Harbour and Docks, so as to render the same more equal and just: Provided that no such Alteration of the Rates and Duties shall be made until a Notice shall have been inserted Once in the *Edinburgh Gazette*, and Three Times in each of Three Newspapers published in

in *Edinburgh*, for Two consecutive Weeks, announcing that an Alteration of Rates is intended to be made, and that the Particulars thereof may be seen at the Office of the Clerk of the said Commissioners, where a Table of such intended Alterations shall be exposed accordingly, open to the Inspection of all having Interest; nor until such intended Alteration shall have been submitted to the Commissioners of Her Majesty's Treasury, and their Consent thereto signified in Writing: And provided also, that no Burgesses or Guild Brethren to be hereafter admitted by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall be entitled to any Privilege or Exemption in respect of Dues, Rates, and Duties at the said Harbour and Docks of *Leith*.

Establishment of Officers, &c. to be submitted to Treasury.

XIII. And be it enacted, That the said Commissioners shall, within One Month after their Appointment and Election, and annually thereafter at the Term of *Whitsunday*, lay before the Commissioners of Her Majesty's Treasury a Scheme or Statement of the Establishment proposed for conducting the Affairs of the said Harbour, showing the Officers of every Description intended to be employed, and the Salaries or Remuneration to be paid to each Person employed; and such Statement shall set forth an Estimate of the Sum requisite for defraying the Expence of the Maintenance and Repairs of the said Harbour and Docks, the Expence of dredging the said Harbour, and every other Item of Expence known or which can be anticipated as in anywise necessary to be incurred or paid by the said Commissioners in relation to the said Harbour and Docks; and the Scheme of Establishment to be first submitted shall embrace the Period from the Date thereof till the Term of *Whitsunday* One thousand eight hundred and thirty-nine; and such Establishments, being considered and approved of by the said Commissioners of Her Majesty's Treasury, shall, to the Amount at which they shall fix the same, be the maximum Amount of the annual Expences of the said Harbour and Docks of every Description; and the said Harbour and Dock Commissioners shall not be authorized to incur any further or other Expence: Provided always, that in the Event of any unforeseen Damage arising to the Works of the said Harbour or Docks through Storm or Accident it shall be lawful for the said Harbour and Dock Commissioners, having first obtained the Approbation of the said Commissioners of Her Majesty's Treasury thereto, to defray out of the Revenues of the said Harbour and Docks the Expence necessary for the Repair of such Damage; and the annual Scheme or Statement of the said Establishment, and the Particulars of any Application made to the said Commissioners of Her Majesty's Treasury in case of Damage as aforesaid, together with their Award or Determination thereon, shall be laid before the House of Commons within One Month of the Date of the Minute settling such Scheme or allowing such Expenditure, if Parliament shall be then sitting, or if not sitting within Fourteen Days after the Commencement of the then next Session.

Appropriation of surplus Revenue.

XIV. And be it enacted, That after Payment of the said Sum of Seven thousand six hundred and eighty Pounds, and the Amount of the Expences of the Establishment to be allowed by the said Commissioners

missioners of Her Majesty's Treasury as aforesaid, and the Interest of any Sum which may be borrowed with the Approbation of the said last-mentioned Commissioners as aforesaid, the whole surplus Revenue arising from the said Harbour and Docks shall annually within Twenty-one Days after the Term of *Whitsunday* in each Year be by the said Harbour and Dock Commissioners paid to the Remembrancer of Her Majesty's Court of Exchequer in *Scotland*, to be remitted to Her Majesty's Treasury; and if the Sum so remitted shall exceed in amount the Sum necessary to pay the Interest of the said Debt due to Government, so far as not postponed, the Excess shall go and be imputed *pro tanto* in extinction of the Principal of the said Debt.

Accounts to be kept, and to be balanced annually.

XV. And be it enacted, That the Accounts of the said Commissioners under this Act shall be annually made up at the Term of *Whitsunday*, and be submitted to Her Majesty's Remembrancer in Exchequer for the Time being, who shall examine and audit the same, and, if necessary, employ an Accountant for that Purpose, and, being satisfied of the Accuracy thereof, shall approve and docquet and sign the same; and an Abstract of such Accounts shall be at the Term of *Martinmas* annually printed and distributed at the Office of the said Commissioners to all Parties interested demanding the same.

The Duty of a Merk per Ton abolished.

XVI. And whereas it is expedient that the Duty of a Merk *per* Ton and Pack heretofore levied upon Goods brought into *Leith* and *Edinburgh*, and applied towards the Payment of the Ministers of the City of *Edinburgh*, should be abolished; be it enacted, That it shall not be lawful to levy the said Duty of a Merk *per* Ton and Pack on Goods which shall have been brought into the said Port or Harbour of *Leith*, or the City of *Edinburgh* or Liberties thereof, after the Expiration of One Calendar Month after the passing of this Act, but such Duty shall thereafter be and the same is hereby abolished.

Commissioners to pay 7,680*l.* into Bank for certain Purposes.

XVII. And be it enacted, That the Commissioners acting under the Authority of this Act shall pay annually out of the Revenues of the said Harbour and Docks, in preference to all other Payments, the said Sum of Seven thousand six hundred and eighty Pounds into an Account to be raised with whatever Bank in *Edinburgh* shall for the Time be the Bank into which the Government Revenues or Public Monies shall be payable, in the Names of Her Majesty's Remembrancer of the Court of Exchequer in *Scotland* and Auditor of the said Court for the Time being, to be applied in manner herein-after mentioned; and such Remembrancer and Auditor shall, in the Form in which they are in use to draw the Public Monies, draw the Money so to be paid into an Account of their Names, and pay the same to the Parties entitled thereto, in the Proportions and under the Provisions of this Act, and in manner herein-after mentioned; and such Sum shall be payable into such Bank half-yearly, and the first Term's Payment shall be made at *Martinmas* in the present Year for so much of the Half Year thereof as shall be due for the Period between the passing of this Act and the said Term of *Martinmas*, and the second Term's Payment shall be made at *Whitsunday* One thousand eight hundred and thirty-nine, and so on thereafter half-yearly.

Purposes to which the 7,680*l.* are to be applied.

XVIII. And be it enacted, That in lieu of the Duty of the Merk *per* Ton and Pack levied upon Goods brought into *Leith* and *Edinburgh*, and applied towards the Payment of the Ministers of the City of *Edinburgh*, the said Remembrancer and Auditor shall, out of the said Sum of Seven thousand six hundred and eighty Pounds, within Eight Days after Payment thereof shall be made to their Credit as aforesaid, pay to and for the Behoof of the said Ministers of the City of *Edinburgh*, to any Person duly authorized by them to receive the same, the Sum of Two thousand Pounds, free of all Deductions, in full of all Demands competent to the Ministers of the said City on account of the Duty of the Merk *per* Ton and Pack as aforesaid; and the said Remembrancer and Auditor shall in like Manner pay for the Behoof of the Creditors of the said City of *Edinburgh*, to Account of the Annuities payable to them in manner herein-after mentioned, into an Account to be opened with One of the Banks in *Edinburgh* for the Purpose of paying such Annuities, the Sum of Two thousand seven hundred Pounds, and the further Sum of Four hundred and eighty Pounds, being at present a Burden affecting the said Duty of a Merk *per* Ton and Pack, making in all the Sum of Three thousand one hundred and eighty Pounds, in full of all Demands competent to the said Creditors upon the said Harbour, Docks, and other Property and Works, or the Income or Revenues thereof; and the said Remembrancer and Auditor shall in like Manner make Payment to the Lord Provost, Magistrates, and Council of the said City of *Edinburgh* of the Sum of Two thousand five hundred Pounds for the Maintenance and Support of the College and Schools of the said City, in full of all Demands competent to the said Lord Provost, Magistrates, and Council upon the said Harbour and Docks, and other Property and Works, or the Income or Revenues thereof; and in case of Failure in the regular Payment of such Sums the respective Parties to whom or for whose Behoof the same are payable shall be entitled to follow out by Action at the Instance of the Parties respectively all Measures competent by the Law of *Scotland* for enforcing Payment thereof against the said Commissioners, but as Commissioners only, and not in their private or individual Capacity.

The Payments in respect of the Merk per Ton and to the Creditors constituted preferable pari passu Burdens.

XIX. And be it enacted, That the said Two Sums, namely, of Two thousand Pounds to be payable annually to the Ministers of the said City of *Edinburgh*, and Three thousand one hundred and eighty Pounds payable annually to the Creditors of the said City, shall be and are hereby constituted preferable Burdens to the Sum of Two thousand five hundred Pounds payable to the said Lord Provost, Magistrates, and Council of the said City of *Edinburgh* for the Support of the College and Schools of the said City; and the said Two first-mentioned Sums shall rank *pari passu* with each other.

On the Payments hereby secured to Creditors, their Claims discharged.

XX. And be it enacted, That upon the Fulfilment of the Arrangement herein before and after mentioned between the said City of *Edinburgh* and the Creditors of the said City (of which the Payment of the said Sums of Two thousand seven hundred Pounds and Four hundred and eighty Pounds, to be applied towards the Payment of its Creditors, forms a Part), all the Claims and Demands of the

the said Creditors upon the said City, or the Property or Revenues now belonging or which may hereafter belong to the said City, shall be and the same are hereby discharged, extinguished, and annulled.

2,500*l.* to be paid towards the College and Schools.

XXI. And be it enacted, That the said Sum of Two thousand five hundred Pounds payable to the said Lord Provost, Magistrates, and Council of the said City of *Edinburgh* shall be applied by them towards the Maintenance and Support of the College and Schools of the said City, namely, in defraying the Obligations and Payments incumbent upon them in relation to the Debts due by the said City to the said College, in paying the Salaries and House Rents due to or on account of the Professors in the said College, in repairing and maintaining the College Buildings and in the other necessary Expences thereof, and the Remainder towards the Schools and Educational Purposes of the said City: Provided always, that before the Application of the said Sum of Two thousand five hundred Pounds to the College and other Purposes aforesaid a Statement of the intended Appropriation thereof shall be submitted to the Commissioners of Her Majesty's Treasury, and their Approbation thereof be signified in Writing; and the said Lord Provost, Magistrates, and Council shall annually transmit to the Commissioners of Her Majesty's Treasury an Account of the Appropriation and Expenditure of the said Sum of Two thousand five hundred Pounds.

College Debt discharged.

XXII. And be it enacted, That in consideration of such last annual Payment the Sum of Thirteen thousand one hundred and nineteen Pounds known by the Name of the "College Debt" shall be and the same is hereby extinguished and discharged.

Claims on the Harbour and Docks, &c. discharged.

XXIII. And be it enacted, That the Payments of the said Sums of Two thousand Pounds to the Ministers of the said City of *Edinburgh*, of Three thousand one hundred and eighty Pounds towards the Payment of the Creditors of the said City, and Two thousand five hundred Pounds for the Expences of the College and Schools hereby authorized and required to be made by the said Commissioners, amounting to said Sum of Seven thousand six hundred and eighty Pounds, shall be in full of all Claims of whatever Description competent to the said Lord Provost and Magistrates and Council for the Community of or in behalf of the said City of *Edinburgh* out of the said Harbour and Docks or Property therewith connected, or Income or Revenues thence arising; and neither the said Lord Provost, Magistrates, and Council, nor the said City, nor the Creditors of the said City, nor the Ministers of the said City, shall hereafter have any further Right, Claim, or Demand in, to, from, or upon the said Harbour and Docks of *Leith*, and Property therewith connected, or any Part thereof, as the same is vested in the Commissioners to be appointed and elected under this Act.

Debt and Security to remain good to Government.

XXIV. And be it enacted, That the said Debt to Government, (excepting in so far as the same is hereby postponed or may hereafter be postponed in virtue of the Powers to that Effect herein contained, and

and during such Postponement,) and all the Rights, Remedies, Powers, and Provisions for securing and recovering the said Debt in anywise granted and existing, shall be and remain in full Force, Strength, and Effect against the whole Revenues of every Description in anywise arising from the said Harbour, Docks, and other Works, and Quays, Houses, Lands, and Property, as the same is hereby vested in the Commissioners to be appointed and elected under this Act; but no Claim or Demand shall hereafter be competent to the said Commissioners of Her Majesty's Treasury, for the Principal or Interest of the said Debt or any Part thereof, from or against any of the other Property or Revenues of the said City, or the Lord Provost, Magistrates, and Council thereof.

Commissioners not relieved of Obligation in relation to the Streets.

XXV. Provided always, and be it enacted, That nothing herein contained shall be construed to relieve the said Commissioners to be appointed in virtue of this Act from any Obligation now incumbent upon the Commissioners of the said Harbour and Docks of *Leith* in regard to the Streets of *Leith*, or Maintenance or Repair thereof, which Obligation shall not be lessened or affected by this Act.

Edinburgh and Leith separated.

XXVI. And be it enacted, That from and after the passing of this Act the said City of *Edinburgh* and the Town of *Leith* shall be and the same are hereby, in all the Civil and Municipal Relations thereof, separated and dissevered; and all Rights of Patronage and Jurisdiction, and of levying any Tax, Rate, or Assessment, Custom, Impost, or Dues of any Description whatever, heretofore belonging or competent to or claimed by the said City of *Edinburgh* in, out of, or over the Town of *Leith*, excepting the Admiralty and other Jurisdiction reserved by an Act of the Third and Fourth Year of the Reign of His late Majesty, intituled *An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of* Scotland *which now return or contribute to return Members to Parliament, and are not Royal Burghs*, shall be and the same are hereby abolished; and all Claims for by-gone Customs, Rates, or Duties, and Interest or Expences relating thereto, or for or in consideration thereof, at the Instance of the said City of *Edinburgh* against the said Town of *Leith*, shall be and the same are hereby extinguished and annulled.

3 & 4 W. 4. c. 77.

Common Good and Customs to be transferred to Leith.

XXVII. And be it enacted, That from and after the passing of this Act the Common Good of the said Town of *Leith*, or all the Customs, Rates, Imposts, and Market Dues, of whatever Description, heretofore leviable by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* within the Boundaries of the said Town or from the Community thereof, as also the Gaol Buildings erected in the said Town of *Leith* by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and the Magistrates Pew in the *South Leith* Church, shall be and the same are hereby transferred to and vested in the said Provost and Magistrates and Council of the Town of *Leith*; which Common Good, Customs, Rates, Imposts, and Market Dues shall thereafter belong to and be exigible by the Provost, Magistrates, and Council of the said Town of *Leith* within the Limits in which the same have heretofore been exigible

exigible for and on behalf of the Community thereof, and shall be applicable and applied to the Municipal and Civil and other Purposes of the said Town, as its own proper Estate, Funds, and Effects; and the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall also, within One Year from the passing of this Act, be bound and obliged to pay, from the current Revenues of the said City of *Edinburgh*, to the Provost and Magistrates and Council of the said Town of *Leith*, the Sum of Five hundred Pounds Sterling in lieu of all Claims on account of the Common Good of the said Town heretofore drawn by the said City of *Edinburgh*; and upon the said Gaol Buildings, Common Good, Customs, Rates, Imposts, and Market Dues being transferred and vested, and such Payments being made as aforesaid, all Claims and Demands at the Instance of the said Provost and Magistrates and Council of *Leith* against the Lord Provost, Magistrates, and Council of the said City of *Edinburgh*, and against the said City in respect of the Expences of the Municipal Government of *Leith* or otherwise, shall cease and determine.

Market Customs not leviable on Goods in transitu.

XXVIII. And be it enacted, That it shall not be lawful to exact in *Edinburgh* or the Liberties thereof any Market Customs, Dues, or Imposts upon any Goods, Articles, or Things passing through *Edinburgh* or the Liberties thereof, for Sale or Consumption in *Leith*, or for Exportation from the Port of *Leith*, nor shall it be lawful to exact in *Leith* any Market Customs, Dues, or Imposts upon any Goods, Articles, or Things passing through *Leith* for Sale or Consumption in *Edinburgh* or the Liberties thereof; but all such Goods, Articles, or Things *bonâ fide* in *transitu* through the said City or Town respectively (although warehoused for a Time in the said City or Town) shall, on Production of a Certificate of the Owner, or other satisfactory Evidence of such Goods, Articles, or Things being *bonâ fide* in transitu, be allowed to pass free; without Prejudice nevertheless to the Exaction in *Edinburgh* or *Leith* respectively of the legal and accustomed Market Customs, Dues, or Imposts on Articles or Things brought into the said City or Town for Sale or Consumption therein respectively.

Proportion of Rent of Common Good to be paid by Edinburgh to Leith.

XXIX. And whereas the Common Good of the City of *Edinburgh*, including therein the Common Good of the Town of *Leith*, is at present let under Lease by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*; be it enacted, That the said Lord Provost, Magistrates, and Council shall, at the Expiration of the Lease of such Common Good, pay to the Provost, Magistrates, and Council of *Leith* such Part of the aggregate Rent of such Common Good as shall be the Proportion thereof received on account of the Common Good of the said Town of *Leith* from and after the passing of this Act, to be ascertained, in case of Difference, by Two Arbiters to be chosen One by each of the said Parties, and in case the Arbiters shall differ, by an Oversman to be named by them.

Proportion of Land Tax to be paid by Leith.

XXX. Provided always, and be it enacted, That nothing herein contained shall be construed hereafter to relieve the Town of *Leith* of such Proportion of the Land Tax leviable from the City of *Edinburgh* and adjoining Districts as shall be the just Proportion

thereof due by the said Town, as the same shall be ascertained by the Stent Masters to be employed to ascertain the Amount of the Land Tax to be paid by the said City of *Edinburgh* and adjoining Districts, and Town of *Leith*, to be appointed by the said Lord Provost, Magistrates, and Council of *Edinburgh*, and the Provost, Magistrates, and Town Council of *Leith* respectively.

Leith to relieve Edinburgh of Burden of certain Roads. 5 & 6 W. 4. c. 68.

XXXI. Provided also, and be it enacted, That the said Provost, Magistrates, and Council of the Town of *Leith* shall hereafter be bound to free and relieve the Trustees of the middle District of Roads of the County of *Mid-Lothian* of all Obligations imposed upon them by an Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for further regulating the Statute Labour and repairing the Highways and Bridges in the County of* Edinburgh, in relation to the upholding and maintaining certain Roads and Streets within the said Town of *Leith* under the said last-recited Act, and also of all Claim of Relief competent to the said Trustees against the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, in relation to such Obligation.

Power to purchase the Superiority of Leith.

XXXII. And be it enacted, That it shall be lawful to the said Provost, Magistrates, and Council of the Town of *Leith*, at any Time within Seven Years after the passing of this Act, and they are hereby empowered, to purchase from the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and it shall be lawful to the said Lord Provost, Magistrates, and Council and they are hereby authorized and required to sell the Superiority or whole Superiorities, with the Feu Duties and Casualties thereto belonging, at present vested in or held by the said Lord Provost, Magistrates, and Council of *Edinburgh* of and in the said Town of *Leith*, at such Price as shall be fixed by Two Arbiters to be chosen, the one by the said Lord Provost, Magistrates, and Council of *Edinburgh*, with the Concurrence of the Committee of Creditors of the said City, the other by the Provost, Magistrates, and Council of *Leith*, and in case of Difference of Opinion between the Arbiters to be so chosen then by an Oversman to be chosen by such Arbiters: Provided always, that Three Months Notice in Writing shall be given by the said Provost, Magistrates, and Council of *Leith*, to the said Lord Provost, Magistrates, and Council of *Edinburgh*, of the Intention so to purchase such Superiorities.

Power to purchase Leith Links.

XXXIII. And be it enacted, That it shall be lawful to the said Lord Provost, Magistrates, and Council of *Edinburgh*, and they are hereby authorized and required, to convey and make over to the Provost, Magistrates, and Council of *Leith*, in perpetuity, for the Payment of the Sum of Twenty-five Pounds Sterling *per Annum*, the Links of the said Town of *Leith* as at present let for Twenty-five Pounds *per Annum*, for the Behoof of the Community of the said Town, with all the Parts, Pertinents, and Privileges thereof, with the Angle of Ground near the Schoolhouse as at present let for Five Shillings *per Annum*; and it shall in like Manner be lawful to the said Provost, Magistrates, and Council of *Leith*, upon Six Months

Notice in Writing to the said Lord Provost, Magistrates, and Council of *Edinburgh* of their Purpose so to do, to purchase, and it shall be lawful to the said Lord Provost, Magistrates, and Council of *Edinburgh*, and they are hereby authorized and required, to sell the said Links at the Price of Twenty-five Years Purchase of such annual Payment of Twenty-five Pounds, (namely, Six hundred and twenty-five Pounds,) to be paid by the said Provost, Magistrates, and Council of *Leith* to the said Lord Provost, Magistrates, and Council of *Edinburgh* therefor, and the said Links being so purchased shall be preserved and remain as an open Area in all Time coming for the Use of the Public, as now existing and enjoyed; and it shall be competent to any Two Owners of Houses situated in *Edinburgh* or *Leith*, or either of them, to insist at Law upon the due Observance of this Provision in so far as regards the Preservation of the said Links as an open Area for the Use of the Public.

Price of Superiorities, &c. how to be applied.

XXXIV. And be it enacted, That the Prices to be received by the Sale of the Superiority and Links of *Leith* as aforesaid shall be applied by the said Lord Provost, Magistrates, and Council of *Edinburgh*, at the Sight and with the Concurrence of the Committee of the Creditors of the said City, in buying up such of the Bonds of Annuity to be granted by the said City to their Creditors in manner herein-after mentioned as may be for Sale and can be obtained, for the Purpose of extinguishing the same, and for no other Use or Purpose whatsoever.

Expences of Purchases to be borne equally.

XXXV. And be it enacted, That the Expences attending the Purchase of the Superiority of *Leith* and of *Leith* Links shall be defrayed by the Purchasers and Sellers equally.

Magistrates of Edinburgh to execute al necessary Deeds.

XXXVI. And be it enacted, That it shall be lawful to the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and they are hereby authorized and required, when necessary, to grant and execute all Deeds and Conveyances requisite for conveying to and vesting in the Commissioners under this Act, or in the said Provost, Magistrates, and Council of the Town of *Leith*, the Property hereby intended to be vested in or authorized and directed to be conveyed to such Commissioners, or such Provost, Magistrates, and Council, with all the Clauses necessary for effectually conveying the same.

3 G. 4. c. 91. not to apply to Conveyances under this Act.

XXXVII. And be it enacted, That nothing contained in an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Good or Revenues of the Royal Burghs in* Scotland, shall be held or construed to apply to the Sales or Conveyances hereby authorized to be made.

Leith, how bounded.

2 & 3 W. 4. c. 65.

XXXVIII. And be it enacted, That the Boundaries of the said Town of *Leith* shall be and be taken to be the Boundaries thereof as described in an Act passed in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland.

XXXIX. And

Bonds not liable to Stamp Duty.

XXXIX. And be it enacted, That the Bonds to be at any Time issued and used in effecting the Arrangement between the said City of *Edinburgh* and its Creditors, and the Transferences thereof, and the Dispositions or Conveyances of Property by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* to the Commissioners to be hereby appointed and elected, shall be free from all Stamp Duties, any thing in any Act or Acts contained to the contrary notwithstanding.

3 & 4 W. 4. c. 122. repealed, with certain Reservations.

XL. And be it enacted, That the said recited Act of the Third and Fourth Year of the Reign of His said late Majesty, intituled *An Act to appoint Trustees for the Creditors of the City of* Edinburgh, shall be and the same is hereby repealed, and from and after the passing of this Act all the Trusts by the said last-recited Act created shall cease and determine; saving and reserving always the whole Provisions therein contained relative to the Security thereby granted to the Commissioners of Her Majesty's Treasury for the Loans made by them to the said Lord Provost, Magistrates, and Council, all of which shall remain in full Force and Effect, except as herein provided, notwithstanding the Repeal of the said last-mentioned Act.

Debts of the Community to be compounded for.

XLI. And be it enacted, That it shall be lawful to the said Lord Provost, Magistrates, and Council, and they are hereby authorized and required, to compound for all and every Debt due and Obligation contracted by them and their Predecessors in Office prior to the First Day of *June* in the Year One thousand eight hundred and thirty-three, including the Debts then secured on the Grant of a Duty of Two Pennies *Scots* upon each Pint of Ale and Beer sold within the City of *Edinburgh* and its Liberties, with the Exception of the Debt of Thirteen thousand one hundred and nineteen Pounds due to the College, hereby extinguished, and which Grant expired on the First Day of *July* in the Year One thousand eight hundred and thirty-seven, but exclusive of the Debts due to Life Annuitants for Annuities acquired by Purchase, which are otherwise provided for in manner after mentioned, and also exclusive of the aforesaid Debt due to the Commissioners of Her Majesty's Treasury; under which Exceptions the said Debts and Obligations shall be compounded by granting, free of all Charges and Deductions, to all and every Person, in right of such Debts, Bonds of Annuity in the Manner and Form herein-after provided, at the Rate of Three Pounds Sterling, payable half-yearly, for every Hundred Pounds Sterling of such Debts, and which Bonds of Annuity all and every Person in right of such Debts shall accept in full Payment thereof: Provided always, that it shall not be in the Power of the said Lord Provost, Magistrates, and Council to call up and redeem such Bonds by making Payment to the Persons holding the same of a less Sum than One hundred Pounds Sterling for every Three Pounds of Annuity, but that it shall be lawful to them, with the Concurrence of the Committee for the Creditors herein-after named, to pay off all Debts not exceeding in Amount the Sum of One hundred Pounds, or any fractional Parts of larger Debts, in manner after provided, in lieu of granting Annuities for the same.

XLII. And

Liferent Annuities payable by the City restricted.

XLII. And be it enacted, That from and after the passing of this Act the said Lord Provost, Magistrates, and Council shall pay to all and every Person holding Bonds granted by the said Lord Provost, Magistrates, and Council for Annuities acquired by Purchase during the respective Lives of such Persons, Three Fourth Parts of the Amount of all such Annuities during the respective Lives of the Holders of such Bonds, and that at the Terms stipulated by such Bonds respectively; which restricted Payment the Holders of such Bonds respectively shall accept as in full of the Annuities thereby stipulated to be paid; and such Liferent Bonds, and the Annuities thereby secured, restricted as aforesaid, shall be preferable Securities to the Bonds of perpetual Annuity authorized to be granted by this Act.

Debts already ranked to be held valid, and others how to be disposed of.

XLIII. And be it enacted, That all Debts allowed and ranked by the Trustees for the Creditors under the said last-recited Act as at the First Day of *June* One thousand eight hundred and thirty-three, as the same shall be certified by the Clerk or Accountant of the said Trustees, shall be held and considered by the Lord Provost, Magistrates, and Council of the said City as valid and unexceptionable Debts against the said City to all Intents and Purposes; and all Claims for Debts due and Obligations contracted by the said City, already made against the Trust Estate, but which have not yet been allowed or ranked, and any such Claims which may yet be made, shall from and after the passing of this Act be considered by a Committee of the Creditors of the said City nominated and appointed in manner herein-after directed, and if allowed by them, and by the Lord Provost, Magistrates, and Council, shall in like Manner be ranked as at the First Day of *June* One thousand eight hundred and thirty-three; and if disallowed, and the Claimants shall be unwilling to have the Matter adjusted by Submission or judicial Reference, in the event of the said Committee, and the Lord Provost, Magistrates, and Council, deeming it fit to offer to submit and refer, which they are hereby empowered to do, then and in that Case it shall be competent to every such Claimant to bring the Matter summarily by Petition before either Division of the Court of Session: Provided that no equalizing or by-gone Dividend shall be payable on any Claim not lodged before the passing of this Act.

Bonds of perpetual Annuity to be granted.

XLIV. And be it enacted, That the Bonds of Annuity to be granted by the said Lord Provost, Magistrates, and Council to the various Persons in right of the Debts due by the City of *Edinburgh* as at the First of *June* One thousand eight hundred and thirty-three, in manner above provided, shall be for the Sum of Three Pounds *per Centum* on the Amount of their respective Debts, either in One Bond or in such Number of Bonds as the Parties entitled to receive the same may require: Provided always, that no Bond shall be for a less Amount than Three Pounds of Annuity, unless the Debt for which such Annuity is to be granted shall be of less Amount than One hundred Pounds; and all such Bonds shall be written or printed, or partly written and partly printed, in the Words or to the Effect following:

Form of Bond.

'BY virtue of an Act passed in the Second Year of the Reign of Her most Gracious Majesty Queen *Victoria*, intituled *An Act* '[*here insert the Title of this Act*], we the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, for ourselves and as 'representing the Community of the said City, bind and oblige 'ourselves and our Successors in Office, in Terms of the said 'recited Act, to pay to [*Name and Designation*], or the Bearer 'hereof, a perpetual Annuity of [*here insert the Amount*], by 'Moieties, on the First Day of *February* and First Day of *August* in 'each Year, if demanded in *Edinburgh*, and on the First Day of '*March* and First Day of *September* in each Year if demanded 'in *London*, commencing the Payment of the First Moiety at the 'First Day of *February* or First Day of *March* respectively in the 'Year One thousand eight hundred and thirty-nine: And declaring that 'the said Annuity, and the Bearer of this Bond for the same, shall 'have the full Benefit of all the Provisions in the said Act of Parliament; and that the said Annuity shall be redeemable only on 'Payment at the Rate of One hundred Pounds for each Three 'Pounds of Annuity.

'_____ Lord Provost.
'_____ Treasurer.
'_____ Clerk.

'Entered in Register of Bonds.
'_____ Accountant of the City of *Edinburgh*.
'_____ Officer of the Bank of _____'

And each such Bond shall be subscribed by the Lord Provost, the Treasurer, and One of the Town Clerks of the City of *Edinburgh*, and shall have annexed to it a Series of Orders for the half-yearly Payments of the Annuity for which the same is granted, as the same shall become due.

Bonds may be transferred.

XLV. And be it enacted, That all and every Person and Persons, or Bodies Corporate or Politic, to whom any such Bond of Annuity shall be granted, may from Time to Time transfer the same, together with the Orders annexed thereto as aforesaid, without any Intimation, by simple Delivery thereof; and such Transfer shall be effectual to all Intents and Purposes, and shall entitle the Bearer thereof to the Sums contained in the said Bonds; and such Bearers may in like manner transfer the same, and so *toties quoties*.

Bonds to be numbered and registered.

XLVI. And be it enacted, That all such Bonds before being delivered shall be numbered in the Order in which they are granted; and an Entry or Memorial of every such Bond shall be made in a Book to be kept under the Direction of the said Lord Provost, Magistrates, and Council for that Purpose, to be termed the "Register of Bonds;" which Entry shall embrace the Date and Number of the Bond, the Name of the Person to whom granted, and the Amount of the Annuity thereby secured; and which Entry shall be certified on each Bond by the Accountant of the City of *Edinburgh* and by an Officer of the Bank at *Edinburgh* where the Annuities shall be payable at the Time of issuing such Bonds; and each

such Entry, subscribed by the Person or Persons to whom the relative Bond shall have been granted, or by the Mandatory of such Person or Persons, shall be held as Evidence of such Person or Persons having received such Bond respectively.

Bonds declared to be Moveable Property.

XLVII. And be it enacted, That all such Bonds to be granted as aforesaid, and the Annuities thereby secured, shall to all Intents and Purposes be and be held to be Moveable or Personal Rights.

Committee appointed.

XLVIII. And be it enacted, That from and after the passing of this Act the Five following Creditors, *videlicet*, *John Learmonth*, *William Mac Hutcheon*, *William Macdonald*, *James Dunsmure*, and *John Mac Ritchie*, shall be and they are hereby nominated a Committee of the Creditors of the said City for the Purpose of attending generally to the Interest of the said Creditors, and of doing and performing the various Matters and Things committed to them on Behalf of the said Creditors by this Act, and in the event after mentioned of acting as Trustees for the Creditors in manner herein-after directed; and it shall not be competent to any Creditor or Creditors, or to any Meeting of Creditors, to do or to authorize to be done by themselves or others any Matter or Thing hereby committed to the said Committee.

Vacancies how to be filled up

XLIX. And be it enacted, That it shall be lawful to the said Committee, and their Successors in Office, or any of them, to resign the said Office, by giving Fourteen Days previous Notice in Writing to the Clerk of the said Committee of his or their Intention so to do; and in case of the Resignation, Death, or Disqualification or Incapacity to act of any of the said Committee, it shall and may be lawful for the said Committee, or any Three or more of them, and they are hereby required, within Three Months, but not sooner than One Month after such Notice shall have been received by the Clerk, to call a Meeting of the Creditors of the said City, who shall, out of a List of Three Names of Persons, Creditors of the said City, for each such Vacancy, to be submitted to them by such Committee, elect and appoint a fit Person to supply each Vacancy, provided that public Notice of the Time and Place of Meeting of the said Creditors for every such Election be given by Two several Advertisements in any Two Newspapers published in the City of *Edinburgh*, the first of such Advertisements being not less than Fourteen Days before the Day of Meeting for such Election; and every Person who shall be elected and appointed a Member of Committee, pursuant to the Directions of this Act, shall and may act with the other Members of Committee by this Act named and appointed, in the Execution of this Act, to all Intents and Purposes as if he had been hereby named and appointed: Provided always, that until such Appointment shall be made all Acts done by the remaining Members of Committee shall be valid and effectual; and it shall not be a Disqualification to any Creditor named in this Act or subsequently elected a Member of Committee that he has afterwards ceased to be a Creditor of the said City.

L. And

Further Power of electing Members of Committee.

L. And be it enacted, That in the event of the Resignation, Death, or Disqualification of all the Members of Committee acting for the Time, without the Appointment of Successors, or of there not being a Quorum left to act, it shall and may be lawful for the Creditors of the City for the Time to meet to elect a new Committee of their Number for the Purposes of this Act; and which Committee so to be elected shall and may act in the Execution of this Act to all Intents and Purposes as if they had been herein named and appointed: Provided always, that public Notice of the Time and Place of Meeting of the said Creditors shall be given by the Clerk to the said Committee to the Creditors by Two several Advertisements in any Two Newspapers published in the City of *Edinburgh*, the first of such Advertisements not being less than Fourteen Days before the Day of Meeting for such Election.

First and subsequent Meetings of Members of Committee.

LI. And be it enacted, That the said Committee shall hold their First Meeting within the Council Chamber of the said City of *Edinburgh* at Noon upon the Second *Monday* after the passing of this Act, and shall thereafter hold a Meeting at such Place or Places within the City of *Edinburgh* and upon such Day or Days as the said Committee shall from Time to Time fix and determine; and the said Committee may appoint such Person as they may think fit to act as their Clerk, and to keep regular Minutes of the Proceedings of the Committee; and the said Committee shall at all such Meetings in the first place choose a Preses, who shall in all Questions coming before such Meetings have a deliberative Vote, and in Cases of Equality a casting Vote; and at all such Meetings Three shall be a Quorum, and shall be capable of acting as fully and effectually as if all the Committee were present.

Preses.

Quorum.

Special Meetings may be called.

LII. And be it enacted, That the Preses of the last Meeting, or any Two or more of the said Committee, may at all Times call special Meetings of the said Committee by printed or written Summonses delivered to each Member of Committee then resident in *Edinburgh*, or sent to his Address through the Post Office, in which shall be stated the Time and Place of Meeting, and the special Business for which the Meeting is called; and at all such special Meetings it shall be competent to the said Committee to consider the special Business only for which any such special Meeting shall have been called.

Meetings may be adjourned.

LIII. And be it enacted, That the said Committee, or the Majority of those present, although less than a Quorum, at any ordinary or special Meeting, may adjourn the same to any other Day, Hour, or Place as to them may seem expedient, Notice of such Adjournment being always given, in manner herein-before mentioned in regard to special Meetings, to each of the said Committee with as little Delay as conveniently may be; and at all Meetings of the said Committee those present shall defray their own Expences.

Committee to pay their own Expences.

Bonds to be produced at all Meetings, and to be

LIV. And be it enacted, That at all General Meetings of the Creditors of the said City to be held in pursuance of this Act the Creditors attending shall produce their Bonds before being allowed

allowed to vote; and all Persons attending and producing Bonds shall be deemed and held to be Creditors; and no Mandate or Proxy shall be admitted; and at all such Meetings the Votes shall be taken by Value, and not *per capita;* and it shall be in the Power of the Creditors present to adjourn any such Meeting from Time to Time. sufficient Mandates.

LV. And be it enacted, That all Books, Records, Minutes, Accounts, and Papers of any Description belonging to the said City of *Edinburgh*, bearing upon the Administration of its Property and Revenues, shall at all Times be open to the Inspection and Examination of the said Committee; and upon the Requisition of any Meeting or of a Quorum of the said Committee every Officer or Person in whose Custody any such Books, Records, Minutes, Accounts, and Papers may be shall be and he is hereby required to furnish to the said Committee, at their Expence, such Copies of or Extracts from the same as they shall require. Accounts of the City to be open to Committee.

LVI. And be it enacted, That the said Lord Provost, Magistrates, and Council shall be and they are hereby authorized and required, on a Demand to that Effect being made by any Holder of a Bond, to grant a Renewal thereof, at the Expence of the Party requiring the same, and to cancel the original or other Bond, together with any unpaid Orders thereto annexed for which such renewed Bond may from Time to Time be substituted: Provided always, that every such renewed Bond shall be marked with the same Number as the Bond for which it is substituted, and be entered in the Register in the same Manner as herein-before provided in regard to the original Bonds; and no greater Sum than Five Shillings shall be demanded by or payable to the said Lord Provost, Magistrates, and Council for the Renewal of any such Bond. Bonds may be renewed.

LVII. And in order to afford Facility to the Holders of the said Bonds in obtaining Payment of their Annuities, be it enacted, That the said Lord Provost, Magistrates, and Council shall and they are hereby required, on or before the Twenty-fifth Day of *January* and the Twenty-fifth Day of *July* in the Year One thousand eight hundred and thirty-nine, and on or before the Twenty-fifth Day of *January* and the Twenty-fifth Day of *July* in each Year following, or on the first lawful Day thereafter in the event of either of these Days falling upon a Holiday, to lodge in the Bank of *Scotland* such Sum as, together with the One Half of the said Sum of Three thousand one hundred and eighty Pounds to be drawn annually from the Revenues of the Harbour and Docks of *Leith* as herein-before provided, shall be sufficient to pay and discharge the whole of the half-yearly Annuities payable as on the First Day of the Month following; and the said Lord Provost, Magistrates, and Council shall, within Forty-eight Hours next and immediately following the Twenty-fifth Day of *January* and Twenty-fifth Day of *July* in the Year One thousand eight hundred and thirty-nine, and in each Year following, cause Notice to be given to the Clerk of the said Committee for the Creditors, stating that the whole of such Monies as aforesaid has or has not been lodged; and the Treasurer or Secretary of the Bank of Money for the half-yearly Payment of the Annuities to be lodged in Bank.

of *Scotland* shall be bound to furnish a Certificate to the same Effect, when required so to do, by the said Clerk: Provided always, that it shall be lawful to the said Lord Provost, Magistrates, and Council to substitute any of the chartered Banks in *Edinburgh* willing to undertake the Duty of receiving and paying the Monies required for the said Annuities, and to perform the other requisite Duties, in lieu and place of the said Bank of *Scotland*.

Regulating Payment of Annuities.

LVIII. And be it enacted, That the said Annuities shall be payable by the Bank of *Scotland*, or other Bank to be substituted as aforesaid, at *Edinburgh* upon the First Day of *February* and First Day of *August*, or at *London* on the First Day of *March* and First Day of *September* respectively, beginning the first Payment of such Annuities upon the First Day of *February* in the Year One thousand eight hundred and thirty-nine, upon Production and Delivery of the Order annexed to each Bond, as before provided, applicable to the particular Payment then due and demanded, which Order shall form the sole Voucher of Receipt and Payment of the Annuity to which the same may apply.

Interest on Monies lodged in Bank, how to be accounted for.

LIX. And be it enacted, That the Bank shall not be required to account for Interest on the Monies in their Hands for the Period of Six Weeks after the Day on which the Amount of the half-yearly Annuities are directed to be lodged in the Bank as aforesaid, but after the Expiration of that Period the Monies remaining in their Hands shall bear the usual Interest allowed by the Bank for the Time, which Interest shall be carried periodically to an Account to be opened in the joint Names of the Lord Provost, Magistrates, and Council, and of the Committee for the Creditors, and shall be applied, at the Sight of the said Committee, in buying up such of the said Bonds of Annuity as may be for Sale and can be obtained, for the Purpose of cancelling and extinguishing the same, and for no other Use or Purpose.

Unclaimed Annuities to belong to the City, and how to be applied.

LX. And be it enacted, That all Annuities remaining in the Hands of the Bank unclaimed after the Lapse of Twenty Years shall belong to the said Lord Provost, Magistrates, and Council and the Committee of the Creditors jointly, and shall also be carried to the said Account to be opened in their joint Names, to be applied, at the Sight of the said Committee, in buying up such of the said Bonds of Annuity as may be for Sale and can be obtained, for the Purpose of cancelling and extinguishing the same, and for no other Use or Purpose.

Property of the City made over in Security of the Annuities, and declared to be adjudgeable therefor.

LXI. And be it enacted, That the whole Property belonging to the Lord Provost, Magistrates, and Council, as representing the Community of the said City, whether Real or Personal, Heritable or Moveable, (save and except always that Portion thereof herein-after excepted,) shall be and the same is hereby made over to the Creditors of the said City in Security of the Life Annuities acquired by Purchase, and of the Annuities hereby required to be granted in manner above mentioned, and which Security shall be preferable to all other Securities and Obligations granted or to be granted by the

said Lord Provost, Magistrates, and Council; and which whole Subjects, Real and Personal, Heritable and Moveable, of whatever Denomination and wheresoever situate, shall be and are hereby declared to be adjudgeable for the restricted Liferent Annuities hereby required to be paid by the said Lord Provost, Magistrates, and Council, and for the Annuities hereby authorized to be granted: And it is hereby specially provided and declared, that a Copy of this Act, recorded within Sixty Days after the passing thereof in the General Register of Sasines kept at *Edinburgh*, and in the Register of Sasines for the Burgh of *Edinburgh*, shall to all Intents and Purposes be and shall be held to be equivalent to Infeftment in favour of the Creditors of the said City in all the Heritable Subjects belonging to the said Lord Provost, Magistrates, and Council hereby made over in Security to the Creditors requiring Infeftment, so as to constitute a Real Burden thereon, and shall also be held equivalent to intimated Assignation of the Debts and Rights, and to actual Delivery of the Moveable Property, so as to create a Lien over the same in favour of the said Creditors at the Date of passing this Act.

Properties omitted held as included.

LXII. And whereas the Subjects so made over are enumerated in Schedule (A.) annexed to this Act, which Schedule it is intended shall include the whole Properties and Revenues, Heritable and Moveable, Real and Personal, belonging to the said Lord Provost, Magistrates, and Council as representing the Community of the said City, save and except always such Properties and Revenues as are included in Schedule (B.) also hereunto annexed, or are herein-after excepted; be it enacted, That if it shall happen that any Omission has occurred by not including in the said Schedule (A.) any Property now belonging to the said Lord Provost, Magistrates, and Council which is not inserted in Schedule (B.) or herein-after excepted, all such Properties so omitted shall nevertheless be held to be included in the said Schedule (A.), and to be comprehended in the Security hereby created in favour of the Creditors of the said City.

Security to comprehend the Common Good to the Extent of 1,000*l.* per Annum.

LXIII. And be it enacted, That the Security created in favour of the Creditors of the said City shall extend over the Common Good or Market Customs of the said City and Property therewith connected to the Extent of the Sum of One thousand Pounds *per Annum*, payable half-yearly; but declaring, that if the Creditors shall enter into possession of the Subjects made over in Security of the said Annuities in the event herein-after provided, it shall not be lawful to them to enter into possession of the Common Good or Market Customs of the said City or Property therewith connected, or to any Part or Portion thereof, so long as the said Lord Provost, Magistrates, and Council shall continue to pay to them the said Sum of One thousand Pounds out of the said Common Good or Market Customs and Property therewith connected, by Two equal annual Payments of Five hundred Pounds each at the Terms of *Whitsunday* or *Martinmas*, commencing at the first of these Terms after the said Creditors shall have entered into possession of the other Subjects hereby conveyed in Security; but in the event of the said Lord

Lord Provost, Magistrates, and Council failing to make such annual Payment it shall and may be lawful to the said Creditors to enter into possession of such and so much of the said Common Good or Market Customs, or other Property therewith connected, as will be sufficient to secure the Regularity of the said annual Payment of One thousand Pounds in manner herein-before provided; and the said Conveyance in Security shall not extend nor be construed to extend so as to include any Property, Real or Personal, Heritable or Moveable, which the said Lord Provost, Magistrates, and Council may acquire in any manner of way after the passing of this Act, all such Property being specially reserved and excepted from the said Security, and declared not to be liable for any of the Debts, Contractions, or Obligations of the said City prior to the First of *June* One thousand eight hundred and thirty-three.

Claims made good by the Trustees of the Middle District in a certain Event to be a Burden on the Common Good.

LXIV. And be it enacted, That if from the Nonpayment of the stipulated Annuities the Subjects hereby conveyed in Security to the Creditors of the City shall be adjudged to belong absolutely and irredeemably to the said Committee as Trustees for the Creditors, and if the said Properties and Revenues so adjudged to belong to them shall not have amounted during the Year immediately preceding that Event to Eight thousand three hundred Pounds (including the Sum of Four hundred and eighty Pounds payable from the Merk *per* Ton and Pack, but exclusive of the Sum of Two thousand seven hundred Pounds to be derived from the *Leith* Revenues as aforesaid), after Deduction of all preferable Burdens and Expences of every Kind, including all Expences for repairing and maintaining Streets which in any Question with the Trustees of the Middle District of Roads for the County of *Mid-Lothian* may be found to form a Burden on any of the Revenues or Properties of the City, such Claim for repairing and maintaining the Streets or any Part of the same which may have reduced the said free Revenues to less than Eight thousand three hundred Pounds shall in all Time coming form a Burden on the Common Good or Market Dues of the City, after Deduction of the Sum of One thousand Pounds in manner before provided.

Property not to be alienable or liable for Debts.

LXV. And be it enacted, That no Part of the Subjects enumerated in Schedule (B.) to this Act annexed, and no Part of the Common Good or Market Customs or Property therewith connected, save and except always to the Extent of One thousand Pounds in manner before provided, and for any Deficiency in regard to the said Sum of Eight thousand three hundred Pounds, as also herein-before specified, and no Part of any Property to be hereafter acquired by the said Lord Provost, Magistrates, and Council, shall be liable, directly or indirectly, in any manner of way or to any Extent, in Security or for the Payment of any Debts or Obligations already ranked or contracted by the said Lord Provost, Magistrates, and Council prior to the First Day of *June* One thousand eight hundred and thirty-three; nor shall the Common Good or Market Customs, or Property therewith connected, or any of the Subjects contained in Schedule (B.) to this Act annexed, be alienable by the said

said Lord Provost, Magistrates, and Council at any future Time, redeemably or irredeemably, by Sale or in Pledge or Security of any Debt whatsoever, but the annual Revenue thereof shall always be applicable to the proper Municipal Expences of the Burgh, and to no other Purpose; declaring, that nothing herein contained shall deprive the said Lord Provost, Magistrates, and Council of any Right or Power they now have of varying, altering, or abating or of altogether abolishing such of the Market Customs or other Articles in the said Schedule (B.) contained, in such Manner as may appear to them to be for the Benefit of the Inhabitants of the said City: Provided always, that such Power shall be so exercised as not to endanger the Security for the annual Payment of the One thousand Pounds in manner herein-before mentioned.

Lord Provost Magistrates and Council may grant Feus and Leases, &c. under the Provisions of the Act 3 G. 4. c. 91.

LXVI. And be it enacted, That, notwithstanding the Security hereby created in favour of the said Creditors, and so long as they shall not enter into possession, in the Event and in the Manner herein-after provided, it shall be lawful to the said Lord Provost, Magistrates, and Council to grant Feus or Leases of the whole Property over which the said Security extends, and to exercise every other Act of Ownership in regard thereto competent to Magistrates of Royal Burghs: Provided always, that such Feus, Leases, and other Acts are granted, made, and done in conformity with the Rules and Regulations established by the said Act of the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Good or Revenues of the Royal Burghs of* Scotland; and provided also (and with the Exception of the Sales of Feu Duties to Vassals, which may be made in manner herein-after provided), that no Sales of any Part of the said Property shall be made without the special Advice and Concurrence of the Committee of the said Creditors; and when any such Sales shall be so made the Prices to be received for the same shall be lodged in the said Account to be opened in the joint Names of the Lord Provost, Magistrates, and Council, and of the Committee for the Creditors, and shall be applied, at the Sight of the said Committee, in providing a Fund for Payment of the Expences of this Act, and in paying off any Debts not exceeding in Amount the Sum of One hundred Pounds, or any fractional Parts of larger Debts, in lieu of granting Annuities for the same, and that in such Manner and on such Terms as may be arranged by and between the Persons in right of such Debts, and the said Lord Provost, Magistrates, and Council, at the Sight of the said Committee, and in buying up such of the said Bonds of Annuity as may be for Sale and can be obtained, for the Purpose of cancelling and extinguishing the same, and for no other Uses or Purposes.

Feu Duties may be sold to Vassals.

LXVII. And be it enacted, That it shall and may be lawful to the said Lord Provost, Magistrates, and Council, with the special Advice and Concurrence of the Committee of the said Creditors, to sell and dispose of any Feu Duties and Casualties of Superiority to their Vassals in the Feu; and it is hereby declared, that nothing contained in the Rules and Regulations made by the said recited

Act of the Third Year of the Reign of His Majesty King *George* the Fourth shall interfere with or prevent any Sale hereby authorized from being carried into effect, which Rules and Regulations, so far as concerns such Sales, are and shall be hereby suspended: Provided always, that the Prices to be received for the Subjects so sold shall be forthwith lodged by the said Lord Provost, Magistrates, and Council in the foresaid Account to be opened in the joint Names of the said Lord Provost, Magistrates, and Council, and of the said Committee, and shall be applied, at the Sight of the said Committee, in buying up such of the said Bonds of Annuity as may be for Sale and can be obtained, for the Purpose of cancelling and extinguishing the same, and for no other Use or Purpose.

Rights of Patronage, &c. reserved.

LXVIII. And be it enacted, That notwithstanding any thing herein contained the Exercise of the Rights of Presentation of the said Lord Provost, Magistrates, and Council, of Persons to be Ministers of Churches, Professors in the University of *Edinburgh*, Masters in Schools, Bursars of Bursaries, and to the Appointment of all Offices and Situations of Trust, Profit, or Emolument, or otherwise, excepting as regards the Town and Harbour of *Leith* as aforesaid, which they now possess, either by themselves or jointly with other Persons or Bodies Politic and Corporate, shall remain in the said Lord Provost, Magistrates, and Council so long as the said Rights of Presentation shall remain vested in them.

Special Trusts and Jurisdictions reserved.

LXIX. And be it enacted, That nothing herein contained shall affect or be held to affect the Lands and Estate belonging to the *Trinity Hospital*, of which the Lord Provost, Magistrates, and Council are sole Governors, the *Greyfriars* Burying Ground, or Dues thereof, the College Buildings or Revenues thereof, as stated in the Accounts of the College Revenue, the Records or other Deeds or Documents belonging to the Burgh (with the Exception of the Writs and Titles of the Subjects of the said Security), *Nelson*'s Monument, or any other Heritable Estate settled in or appropriated to the said Lord Provost, Magistrates, and Council for special Uses or Purposes, or any Jurisdiction, Civil or Criminal, which are at present possessed, held, exercised, and enjoyed by the said Lord Provost, Magistrates, and Council, and Persons acting under their Authority, such Rights and Jurisdictions being hereby (excepting in so far as herein otherwise provided) specially reserved entire.

If Monies not duly paid into Bank Adjudication may be applied for.

LXX. And be it enacted, That if the said Lord Provost, Magistrates, and Council shall at any Time fail to lodge in the Bank of *Scotland*, or such other Bank as may be substituted for the Bank of *Scotland*, on or before the Twenty-fifth Day of *January* and Twenty-fifth Day of *July* in any Year, or first lawful Day thereafter, as herein-before provided, the whole Amount of the half-yearly Annuities in Manner and to the Extent herein-before directed, of which Failure the Certificate of the Treasurer or Cashier of such Bank shall be conclusive Evidence, then and in that Case it shall be competent to and in the Power of the Committee of the said Creditors to direct Intimation to be made to the City Clerks in the Form

Form of Notarial Instrument, that an Adjudication of the Subjects forming the Security is to be applied for at the Expiration of Three Months from the Date of such Intimation; and at the Expiration of such Three Months it shall be competent to the said Committee of Creditors to apply by summary Petition to the Court of Session in either Division thereof, or to the Lord Ordinary on the Bills in Time of Vacation, craving that the whole Estates, Heritable and Moveable, Real and Personal, comprehended in the Security herein-before created, shall be adjudged to belong to the Creditors of the said City, which Application the said Court is hereby authorized and required to grant, to the Effect that the said Property may be adjudged to belong absolutely and irredeemably to the said Committee as Trustees for the Creditors of the said City; and such Adjudication, being recorded within Fifteen Days of the Date thereof in the Register of Abbreviates of Adjudications in the same Manner that Abbreviates of Adjudication must be recorded, shall be held and taken to be a complete and effectual Adjudication, and shall *ipso facto* vest in the said Committee the whole Subjects, Heritable and Moveable, Real and Personal, which belonged to the said Lord Provost, Magistrates, and Council, and which are comprehended in the Security herein-before granted, fully and effectually, without the Necessity of completing any other Title thereto whatsoever, and which Adjudication shall be held to be in full Discharge of all and every Debt and Obligation contracted by the said Lord Provost, Magistrates, and Council, and their Predecessors in Office, prior to the First Day of *July* One thousand eight hundred and thirty-three: Provided always, as it is hereby expressly provided and declared, that after the Expiration of Three free Days from the Date of such Notarial Intimation, it shall not be lawful for the said Lord Provost, Magistrates, and Council to lodge the said Money, without the Consent of the said Committee of the Creditors.

Property to be excepted from Adjudication.

LXXI. And be it enacted, That besides the Articles specified in Schedule (B.) annexed hereto, the Public Gaols of the said City and Liberties, and the High School belonging to the said Lord Provost, Magistrates, and Council, shall not be included in the Adjudication herein-before authorized to be applied for in the event aforesaid by the said Committee; and the *Royal Exchange Buildings*, the *Meadows*, *Bruntsfield Links*, *Calton Hill*, and *Princes Street Gardens* shall be withdrawn from such Adjudication, upon the said Lord Provost, Magistrates, and Council paying to the Committee of the Creditors of the said City the respective Values affixed to the said Properties in Schedule (A.) hereto annexed, by Three yearly equal Instalments; but failing such Payment at the Periods specified those Subjects shall permanently remain the Property of the Creditors; provided that the Subjects which are thus declared not to be included in the Adjudication, and those which may be withdrawn from it, shall (after Payment of the Value as regards the last) be held in all respects in the same Situation in regard to Liability for Debt as if they had been respectively inserted in Schedule (B.) at the passing of this Act.

LXXII. And

Adjudication to include Arrears.

LXXII. And be it enacted, That in the event of the Property, Heritable and Moveable, Real and Personal, which belonged to the said Lord Provost, Magistrates, and Council, being adjudged to belong to the said Creditors, the Adjudication shall be held to include all the Arrears then due on the Properties forming the Subject of the Security, and all the Revenues derived from the said Properties by the said Lord Provost, Magistrates, and Council since the last Payment was made of the Annuities hereby authorized to be granted, but subject always to the Deduction of all necessary Expences for Repairs, Management, and Collection, and other preferable Burdens affecting the same.

Property adjudged to be at the Disposal of the Creditors.

LXXIII. And be it enacted, That when the aforesaid Property, Heritable and Moveable, Real and Personal, which belonged to the said Lord Provost, Magistrates, and Council, shall have been vested in the Committee of the Creditors in manner herein-before mentioned, a General Meeting of the whole Creditors of the said City shall be called by the Clerk of the said Committee in the Manner herein-before directed in regard to the calling of Meetings for the filling up of Vacancies and electing Members of Committee, at which or at any subsequent Meeting it shall be lawful to the said Creditors to give such Directions to the Committee as to the future Disposal or Management of the Property, and in regard to the calling of General Meetings of Creditors, or otherwise, as shall appear to them to be best for the Interest of the Creditors, and which Property shall thenceforth be held by the said Committee as Trustees for the said Creditors, without any Control on the Part of the said Lord Provost, Magistrates, and Council, or such Committee being obliged to hold any Count and Reckoning with them in regard to the same; and in the Event of a Sale of any Part of such Property a Disposition thereof, executed by Three or more Members of the said Committee, shall in all respects be sufficient.

Payments to Creditors previous to Issue of Bonds.

LXXIV. And be it enacted, That the Dividends paid to the said Creditors of the said City, or the Dividends set apart for such of them as may not already have received the same, with the Dividend of Three Fourths *per Centum* payable to them in Terms of the Award of Sir *William Rae* Baronet, One of Her Majesty's Most Honourable Privy Council, and *Andrew Rutherfurd*, Her Majesty's Solicitor General for *Scotland*, of Date the Twelfth Day of *March* in the present Year, and of the Dividend of One and One Half *per Centum* payable on the First Day of *August* in the present Year, shall be held and taken to be in full of all Interest due to them on their respective Debts, up to the Commencement of the Payment of the Annuities herein-before authorized to be granted: Provided always, that the Expences of the Trust created by the said recited Act of the Third and Fourth Year of the Reign of His late Majesty, hereby repealed, incurred subsequent to the Twenty-fifth Day of *November* One thousand eight hundred and thirty-seven, and the Payment of whatever Sum of Money may be necessary to equalize the Claims of the Creditors lodged but not ranked before the passing

of this Act, shall be provided by the said Lord Provost, Magistrates and Council.

Unclaimed Dividends, &c. on Debts already ranked to be placed in Bank.

LXXV. And be it enacted, That all Dividends due to Creditors ranked or set apart for Creditors whose Claims have not been decided on, but which Dividends have not been drawn, or the Payment of which may have been suspended, shall be lodged in an Account to be opened in the Names of the said Committee with the Bank of *Scotland*, for Behoof of the Parties entitled to the same, and which Dividends shall be paid, on the Order of the Clerk to the said Committee, to the Parties so entitled to the same, with Bank Interest only.

All Persons indemnified for Acts done under 3 & 4 W. 4. c. 122.

LXXVI. And be it enacted, That all Persons who shall have at any Time acted as Trustees under the said recited Act of the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to appoint Trustees for the Creditors of the City of* Edinburgh, shall be and they are hereby indemnified for all Acts and Deeds done by them or by their Authority in the Execution of the said Act; and all Bodies Politic, Corporate, or Collegiate, Trustees or Guardians for Minors or fatuous Persons, and all others whatsoever, shall be indemnified for all Acts and Deeds done by them or by their Mandatories at all Meetings held in pursuance of the said last-recited Act, and it shall not be competent to challenge or to call in question the Validity of any such Acts and Deeds.

Bodies Corporate, Trustees, &c. may purchase Bonds.

LXXVII. And be it enacted, That it shall and may be lawful to all Bodies Corporate, Politic, or Collegiate, Trustees or Guardians for Minors or fatuous Persons, to purchase and to hold the Bonds of Annuity herein-before authorized to be granted, although the Deeds of Constitution under which the said Bodies Politic, Corporate, or Collegiate, Trustees or Guardians, may act, do not contain any special Authority to enable them to vest the Funds under their Charge in the Purchase of such Bonds of Annuity.

Expences of, the Committee how to be paid.

LXXVIII. And be it enacted, That so long as the Subjects comprehended in the Security herein-before provided for the Payment of the foresaid Bonds of Annuity shall not be made over to the Creditors in manner herein-before directed, the said Lord Provost, Magistrates, and Council shall be bound to defray all Expences that may be incurred by the Committee of the Creditors herein-before named in regard to the Ranking of Claims not yet allowed, and of all judicial Discussions in which the said Committee may happen to be involved, in relation to such Ranking; and shall annually pay or cause to be paid to the Clerk of the said Committee a Fee of Twenty-five Guineas, but the Payment of such annual Fee shall cease upon the Adjudication of the Property made over in Security being awarded in the Manner herein-before authorized: Provided always, that the said Lord Provost, Magistrates, and Council shall not be liable in any further Expences, save and except such Expences of Process as may at any Time be awarded against them for improper Litigation.

LXXIX. And

Petty Port Customs to be discontinued.

LXXIX. And whereas during the Continuance of the Grant of the Duty of Two Pennies *Scots* upon each Pint of Ale and Beer brewed, vended, tapped, or sold within the City of *Edinburgh* and its Liberties, certain Duties called the Petty Port Customs of *Edinburgh* were discontinued, and which Duties so discontinued are specified and enumerated in an Act passed in the First Year of the Reign of His Majesty King *George* the Second: And whereas the said Grant of Two Pennies *Scots* upon the Pint of Ale and Beer to the said City of *Edinburgh* expired on the First Day of *July* One thousand eight hundred and thirty-seven: And whereas Doubts have been entertained by the said Lord Provost, Magistrates, and Council how far the levying the Petty Port Customs can now be renewed, and it is their Wish that those Doubts should be removed by an Enactment relieving the Inhabitants from all Risk of being subjected in Payment of the same; be it enacted, That notwithstanding the Expiration of such Grant the whole of the Petty Port Customs enumerated in the said Act of His Majesty King *George* the Second shall be for ever discontinued, and be no longer payable.

Saving existing Actions and Rights.

LXXX. And be it enacted, That nothing herein contained shall affect any Action or Suit now existing or depending in any Court relative to any Estate, Right, Property, or Effects, Heritable or Moveable, Real or Personal, mentioned in this Act or in the Schedules hereunto annexed, either belonging to or claimed by the said City of *Edinburgh*, or belonging to or claimed by any other Person or Party; but such Actions and Suits shall be and the same are hereby fully saved and reserved to all Persons and Parties, to the Effect of establishing such Rights and Interests, as if this Act had not been passed: Provided always, that all Actions and Suits now existing or depending between the said Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and the Trustees for the Creditors of the said City, shall cease and determine from and after the passing of this Act.

Saving the Rights of Heritors, &c. of Edinburgh to Seat Rents of City Churches.

LXXXI. And whereas the Seat Rents of the Thirteen Churches of the said City of *Edinburgh* are included in the said Schedule (A.), and certain Heritors, Inhabitants, and Elders of the Parishes of the *Tolbooth* and *Saint George's* within the said City have brought Actions of Declarator at their Instance before the Court of Session in *Scotland* against the said Lord Provost, Magistrates, and Council, and the Trustees for the Creditors of the said City, in relation thereto; it is hereby specially provided and declared, That the Rights of the said Pursuers, and of all others the Heritors, Inhabitants, and Elders of the said City of *Edinburgh*, and Sitters in the said City Churches, with reference to the said Seat Rents, shall be and the same are hereby saved and reserved entire, and shall not be limited or injured in any Manner or to any Extent whatever in consequence of the said Seat Rents being included in the said Schedule (A.), or by any thing herein contained.

LXXXII. And

LXXXII. And be it enacted, That the Expence of applying for and obtaining this Act shall be defrayed out of the first and readiest of the Monies belonging to the said City of *Edinburgh.* Expences of Act.

LXXXIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

REVENUES and PROPERTIES conveyed in Security to the Creditors of the City of Edinburgh.

1. Feu Duties payable for Properties situated as follows, together with the whole Casualties and Compositions due to the Superiors:
   1. In the Ancient Royalty.
   2. In the Extended Royalty.
   3. In Leith, subject to a Power of Sale to the Magistrates of Leith.
   4. In Canongate.
   5. In Portsburgh.
   6. At the Water of Leith, Bonnington, and Leith Mills.

   The particular Items of these Feu Duties are detailed in the annual Accounts of the proper Revenue of the City, and they are conveyed in Security, subject always to the Feu Duties and Burdens under which they are held, and under such Burdens as are incident to the Proprietors thereof.

2. Rents and Tack Duties, unfeued Grounds, &c. &c.
   1. Part of City Wall, at Top of Vennel, let to the Infant School Society, at Two Shillings and Sixpence per Annum.
   2. Small Property and Area of Ground (Three Roods and Twenty-two Falls) adjoining the Calton Burying Ground. This Property is not let, but was formerly let at Ten Shillings per Annum.
   3. Small House at Greenside Well, now in Ruins, let for Seven Pounds per Annum.
   4. Small Garden at Bell's Mills, occupied as a Quarry by the Trustees of the Middle District of Roads.
   5. The Links of Leith, to be preserved as an open Area, and kept in Pasturage for the Benefit of the Public of Edinburgh and Leith, as now existing and enjoyed, and to belong to the Town Council of Leith, subject to all existing Servitudes, and to a Right of Road and Entrance to the One thousand four hundred and eighty Feet of Feuing Ground after mentioned, such Road and Entrance to be at the West End thereof, and to be Thirty Feet in Breadth and One hundred and fifty Feet in Length, for Payment of a Rent of Twenty-five Pounds per Annum, redeemable at Twenty-five Years Purchase of the said Rent.
   6. Stripe of Ground at Leith Links, let for Sixteen Pounds per Annum.
   7. Six Ropewalks adjoining Leith Links, let for about Fifty Pounds per Annum.
   8. Park at Leith Links, let for Twelve Pounds per Annum, containing One thousand four hundred and eighty Feet of Feuing Ground.

9. Area of Ground in the Bush at Leith, and the Buildings thereon, let for Two hundred and sixty-seven Pounds per Annum.
10. Property leading into the Sands, presently let for Five Pounds per Annum, being the Area adjoining the open Space at the Foot of Bath Street.
11. Piece of Waste Ground East of the Crystal Works at Leith, let for Five Pounds per Annum.
12. House above Citadel Port at Leith, let for Five Shillings per Annum.
13. Area of Old Glass House ditto, let for One Shilling per Annum.
14. The City's Oyster Scalps, let for Fifty-five Pounds, and for extra Quantity, Five Pounds.
15. Seats in West Church, not let.
16. Three Houses in Kerr Street, Stockbridge, let for Nineteen Pounds Five Shillings per Annum.
17. Shore Dues Office at Leith, let for Sixty Pounds per Annum.
18. Piece of Ground, Foot of Warriston Close, let for Ten Pounds per Annum.
19. Piece of Ground, Foot of Mary King's Close, let for Six Shillings and Eight-pence per Annum.
20. Piece of Ground, Foot of Lady Stair's Close, let for Eight Pounds per Annum.
21. Space under Cellars, at Old Post Office Close, let for Two Pounds per Annum.
22. Area of Ground at Cowgate Port, now feued to the Governors of Heriot's Hospital at Twenty-seven Pounds Ten Shillings per Annum.
23. Four Stables, adjoining to and under the North Bridge, let for Eighteen Pounds Ten Shillings per Annum.
24. Vaults below North Bridge.
25. Vaults below the South Arch of the North Bridge, let for Fifteen Pounds per Annum.
26. Five Shops, Foot of Fleshmarket Close, let for Twenty-seven Pounds Fourteen Shillings per Annum.
27. Wright's Shop, Foot of Fleshmarket Close, not let.
28. Small Stable at Market Street, let for Two Pounds Ten Shillings per Annum.
29. The following unfeued Areas and other Property, some of which are let for temporary Purposes, viz^{t}.
    1. In Fettes Row, Royal Crescent, Foot of Duncan Street, to the North of Saint Mary's Church, and Stable Ground behind Bellevue Crescent, with Common Sewers, Cellars, Stables, &c., containing about Two thousand and eighteen lineal Feet in front.

       Several of the above Rents and Properties are subject to Payment of Feu Duties and other Burdens, and are conveyed in Security, subject to these and all other Burdens.
    2. Dry Mulctures, payable by Brewers, in lieu of Thirlage to the City's Mills, as settled by Decreet Arbitral, dated 23d April 1711; viz^{t}.
        1. By Brewers in Edinburgh.
        2. By ditto in Easter and Wester Portsburgh.
        3. By ditto in Canongate.
        4. By ditto in Barony of Calton.

3. Canal Dues on Goods loaded or landed within One Mile of Port Hopetoun, in Terms of the Act 57 Geo. 3. c. 56.

4. Sixty Shares of the Stock of the Edinburgh and Glasgow Union Canal Company.

5. Edinburgh Friendly Insurance Stock for original Policy, No. 1,262, belonging to Misses Ramsay, and acquired by the City.

6. The free Produce of the Seat Rents of the Thirteen City Churches, and of the Cellars underneath the same, after Deduction of all preferable Burdens, and of all other Expences of the Ecclesiastical Establishments of the City.

7. The Sum of Four hundred and eighty Pounds preferably secured over the Revenues of the Harbour and Docks of Leith, being Compensation for the Interest of Twelve thousand Pounds advanced by the Corporation of Edinburgh for the Improvement of the Harbour of Leith, on account of the Ministers of Edinburgh, and for which Four hundred and eighty Pounds was preferably secured by Act 7 Geo. 4. c. 105. on the Revenue of the Merk per Ton belonging to them.

8. The Sum of Two thousand seven hundred Pounds preferably secured over the Revenues of the Harbour and Docks of Leith, in lieu of all Claims by the Creditors of the City of Edinburgh on the Revenues of the Port and Harbour of Leith and Newhaven, and Docks and other Works, together with the Shore, Sands, and Beach belonging thereto, as described in this Act.

9. The following Properties, which are to be redeemable by the City, according to the Provisions of the Act, at the following Prices fixed as the Value of the same by Sir William Rae and Mr. Solicitor General Rutherfurd; viz^{t}.

	£	s.	d.
1. Royal Exchange Buildings, including the public Offices, Shops, Cellars, and all the other Properties in the Royal Exchange belonging to the Lord Provost, Magistrates, and Council; fixed Value -	3,800	0	0
2. The Meadows; fixed Value - -	7,732	3	1½
3. Bruntsfield Links, small Piece of Land let to Watson's Hospital at Five Pounds per Annum, and Two Pounds Five Shillings being Rent paid annually for Privilege of Entry to Houses; fixed Value - - - -	1,896	15	0
4. Calton Hill, including unfeued Ground fit for Workshops towards Greenside, being about Eight hundred and fifty lineal Feet - - - -	717	15	9
5. Princes Street Garden, exclusive of the Right to build on the Mound according to Mr. Playfair's Plan, Western Division - £1,619 8 10			
6. Princes Street Garden, Eastern Division - 1,066 0 0			
	2,685	8	10

SCHE-

SCHEDULE (B.)

REVENUES and PROPERTIES to belong to the City of Edinburgh, and which are not conveyed in Security to the Creditors, in whole or in part, except to the Extent provided for in the Act; viz.

1. Common Good of the City and Liberties (exclusive of that of Leith, which is to belong to the Town Council of Leith for Municipal Purposes), consisting of the following Customs, &c.; viz.

    1. Customs of the Land, Cloth, and Flesh Market, with the Veal Boards and Cellar in the Middle Flesh Market, all as presently let to John Boyd and Robert Latta, at the yearly Rent of One thousand two hundred Pounds Sterling.

    2. The Fruit and Green Market Customs, including the old Green Market Place, to which is attached the Duty House at the End of the North Bridge, and another Duty House at the College Kirk, all as presently let to Boyd and Latta, at the yearly Rent of One thousand and ninety Pounds Sterling.

    3. The Custom of the Fish Market, all as presently let to Boyd and Latta, at the yearly Rent of Three hundred and eleven Pounds Sterling.

    4. The Meal and Corn Market Customs, with the Market Place and Granaries, all as presently let to Boyd and Latta, at the yearly Rent of Four hundred and fifty-six Pounds Sterling.

    5. The Customs of the House of Muir and Hallow Fair, which include the Customs at the House of Muir in use to be exacted for all Horses, Nolt, Sheep, Lambs, and other Bestial, also now exacted in the Grass Market and at the Bughts at Tollcross, all as presently let to Boyd and Latta, at the yearly Rent of Four hundred and ten Pounds Sterling.

    6. The Duties and Fees payable for weighing and lyage of all Sort of Merchandize, whether Foreign or Inland, weighed and received into the Weigh-house of Edinburgh, with the Weigh-house itself, Saleshop, Warehouse or Loft and Cellarage, all as presently let to John Drummond, at the yearly Rent of Two hundred and ninety-two Pounds Sterling.

    7. The Poultry and Bread Market Customs, all as presently let to John Drummond, at the yearly Rent of Two hundred and seventy-five Pounds Sterling.

    8. The Impost on Wines, Foreign Spirits, and Liquors brought into the City of Edinburgh and Liberties, payable by Vintners and Retailers, all as presently let to John Drummond, at the yearly Rent of One hundred Pounds Sterling.

    The above Customs and Market Dues are conveyed in Security to the Creditors to the Extent of One thousand Pounds per Annum, and also to meet any Claim on account of the Streets in the event of the free Revenues before conveyed on Security being less than Eight thousand three hundred Pounds as provided for in the Act.

The

The following Revenues are to belong to the City of Edinburgh, free from any Claim whatever on the Part of the Creditors; viz.—

2. The One per Cent. Impost Assessment in lieu of the Impost on Wines formerly levied on Private Families, per Act 25 Geo. 3. c. 28.

3. The Fees payable on Entry of Burgesses and Guild Brethren.

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